Single Bench

(3)

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)**

WRIT PETITION NO. 5002 OF 2004

**BETWEEN**

Shiv Mani Tiwari S/o Tirath Raj Tiwari, Aged About 48 Years, Assistant Teacher, posted at Magatma Gandhi Kanya Ashram, Chhindgarh, District Dantewada (C.G.)

A. No. 4411 of Presented by Shri Sunil Sahu dated 16/11/04

----------**PETITIONER**

**AND**

1. The State of Chhattisgarh Through The Secretary Department of Scheduled Caste/Scheduled Tribe Building, Raipur (C.G.)
2. Collector, Tribal Development, Dantewada (C.G.)
3. Mata Rukhmani Sewa Sansthan, Through its Secretary Jagadalpur District Bastar (C.G.)
4. Mata Rukhmani Sewa Sansthan Through its Secretary Dimprapal District Bastar (C.G.)
5. Mata Rukhmani Sewa Sansthan Through its President Dimprapal District Bastar (C.G.)

---------- **RESPONDENT**

S 20/12/04

**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.**

**WRIT PETITION NO.5002 OF 2004**

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| Petitioner | : | Shiv Mani Tiwari |
| | versus | |
| Respondents | : | The State of Chhattisgarh and others |

Present : Mr. Awadh Tripathi, counsel for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the State/ respondents No.1 and 2.
None appears for other respondents.

**ORDER**

(Passed on 23rd Day of February, 2007)

By this petition, filed under Articles 226/227 of the Constitution of India, the petitioner impugns the order dated 6-10-2004 (P-14), whereby the respondents have rejected the representation of the petitioner filed in pursuance of the order dated 26-8-2004 passed by this Court in Writ Petition No.2775 of 2004 and have confirmed the transfer of the petitioner from Kanya Aashram, Chhindgarh to Kanya Aashram, Bhusaras.

2. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to

pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

3. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

4. In view of the above, the writ petition stands disposed of. No order as to costs.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Gopal